

AMENDED IN ASSEMBLY JUNE 23, 2003

AMENDED IN SENATE APRIL 21, 2003

**SENATE BILL**

**No. 256**

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**Introduced by Senator Escutia**

February 18, 2003

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An act to amend Section 76100 of, and to add Section 70404 to, the Government Code, relating to court facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 256, as amended, Escutia. Court facilities: construction and ownership.

Existing law authorizes each county to establish a courthouse construction fund to ~~assisting~~ *assist in* the acquisition, rehabilitation, construction, and financing of courtrooms and facilities necessary or incidental to the operation of the justice system, as specified. Existing law also provides for a transition from county funding, to state funding, for superior court facilities, as specified.

This bill would provide that no county may make any expenditure *or encumber future funds* from the *county* courthouse construction fund without the approval of the Administrative ~~Office~~ *Director* of the Courts, *except as specified*. The *bill would prohibit a county from extending the term of bonded indebtedness for which county courthouse construction funds are encumbered without the approval of the Administrative Director of the Courts; and would provide that if the Administrative Director of the Courts denies an expenditure for the correction of a deficiency in a court facility, that deficiency may not be used as grounds for rejection of the transfer of responsibility for that court facility to the Judicial Council. These provisions would become*

*inoperative on July 1, 2007, or on a specified day, whichever comes later.*

*The bill would also specify that expenditures from a county courthouse construction fund are subject to other provisions governing the transition to state funding for superior court facilities.*

*Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.*

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 70404 is added to the Government  
2 Code, to read:

3 ~~70404. Notwithstanding any other provision of law, no~~  
4 ~~county may make any expenditure from the local courthouse~~  
5 ~~construction fund established pursuant to Section 76100 without~~  
6 ~~the approval of the Administrative Office of the Courts.~~

7 70404. (a) *Except as specified in subdivision (b) and*  
8 *notwithstanding any other provision of law, no county may make*  
9 *any expenditure or encumber any future funds from the county*  
10 *courthouse construction fund established pursuant to Section*  
11 *76100, without the approval of the Administrative Director of the*  
12 *Courts.*

13 (b) *No county may be required to obtain the approval of the*  
14 *Administrative Director of the Courts for any expenditure of*  
15 *county courthouse construction funds for any of the following*  
16 *purposes:*

17 (1) *Repayment of existing bonded indebtedness, as defined in*  
18 *subdivision (a) of Section 70301, that has been issued, sold, or*  
19 *delivered, and any refunding of existing bonded indebtedness that*  
20 *has been issued, sold, or delivered, to achieve monetary savings to*  
21 *the county with respect to a building, as defined in subdivision (b)*  
22 *of Section 70301.*

23 (2) *Payment of any pending phase or phases of a maintenance*  
24 *project, as specified in subdivision (d) of Section 70326.*

25 (3) *Payment for any pending phase or phases of a project*  
26 *involving court facilities, as specified in subdivision (d) of Section*  
27 *70326.*

28 (4) *Payment for any portion of a county court facility made*  
29 *from county courthouse construction funds with respect to a lease,*  
30 *as permitted under subdivision (d) of Section 70359.*



1 (c) Notwithstanding subdivision (c) of Section 70326, if the  
2 Administrative Director of the Courts denies an expenditure for the  
3 purpose of correcting a deficiency or deficiencies in a court  
4 facility, as specified in subdivision (b) of Section 70326, that  
5 deficiency or deficiencies may not be used as the grounds for  
6 rejection of the transfer of responsibility for that court facility to  
7 the Judicial Council.

8 (d) No county may extend the term of bonded indebtedness for  
9 which county courthouse construction funds are encumbered  
10 without the approval of the Administrative Director of the Courts.

11 (e) This section shall become inoperative on July 1, 2007, or on  
12 the date that the authority to transfer responsibility for a court  
13 facility from a county to the Judicial Council pursuant to Section  
14 70321 has lapsed, whichever is later; and as of the following  
15 January 1, is repealed, unless a later enacted statute that is  
16 enacted before that January 1, deletes or extends the dates on  
17 which it becomes inoperative and is repealed.

18 SEC. 2. Section 76100 of the Government Code is amended  
19 to read:

20 76100. (a) Except as provided in Article 3 (commencing with  
21 Section 76200), for the purpose of assisting any county in the  
22 acquisition, rehabilitation, construction, and financing of  
23 courtrooms or of a courtroom building or buildings containing  
24 facilities necessary or incidental to the operation of the justice  
25 system, the board of supervisors may establish in the county  
26 treasury a Courthouse Construction Fund into which shall be  
27 deposited the amounts specified in the resolutions adopted by the  
28 board of supervisors in accordance with this chapter. The moneys  
29 of the Courthouse Construction Fund shall be payable only for the  
30 purposes set forth in subdivision (b) and at the time necessary  
31 therefor, subject to the requirements set forth in Chapter 5.7  
32 (commencing with Section 70301).

33 (b) In conjunction with the acquisition, rehabilitation,  
34 construction, or financing of court buildings referred to in  
35 subdivision (a), the county may use the moneys of the Courthouse  
36 Construction Fund for either of the following:

37 (1) To rehabilitate existing courtrooms or an existing  
38 courtroom building or buildings for other uses if a new courtroom  
39 or a courtroom building or buildings are acquired, constructed, or  
40 financed.

1 (2) To acquire, rehabilitate, construct, or finance excess  
2 courtrooms or an excess courtroom building or buildings, if that  
3 excess is anticipated to be needed at a later time.

4 (c) Any excess courtroom or excess courtroom building or  
5 buildings that are acquired, rehabilitated, constructed, or financed  
6 pursuant to subdivision (b) may be leased or rented for uses other  
7 than the operation of the justice system until the excess courtrooms  
8 or excess courtroom building or buildings are needed for the  
9 operation of the justice system. Any amount received as lease or  
10 rental payments pursuant to this subdivision shall be deposited in  
11 the Courthouse Construction Fund.

12 (d) The fund moneys shall be held by the county treasurer  
13 separate from any funds subject to transfer or division pursuant to  
14 Section 1463 of the Penal Code.

